

Hakowski, Denise

From: Bandy, Jeremy W <Jeremy.W.Bandy@wv.gov>
Sent: Friday, January 29, 2016 8:27 AM
To: Sweeney, Matthew L; Hakowski, Denise
Cc: Walker, Dana
Subject: RE: Thank you for your message

Follow Up Flag: Follow up
Flag Status: Flagged

My folks have conducted a quick review of the facility file. As a result, we do not plan to initiate and action at this time. Of course, things can always change after we have had a chance to conduct another inspection.

Thanks

Jeremy

From: Sweeney, Matthew L
Sent: Thursday, January 28, 2016 5:52 PM
To: Hakowski, Denise
Cc: Bandy, Jeremy W ; Walker, Dana
Subject: RE: Thank you for your message

Denise,

I am unaware of any pending actions at the state level with CSB, but Jeremy may offer something different.

Thanks,
Matt Sweeney, P.E.
NPDES Individual Permitting Supervisor
WV Department of Environmental Protection
Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304
(304) 926-0495

From: Hakowski, Denise [<mailto:Hakowski.Denise@epa.gov>]
Sent: Thursday, January 28, 2016 12:04 PM
To: Sweeney, Matthew L <Matthew.L.Sweeney@wv.gov>
Cc: Bandy, Jeremy W <Jeremy.W.Bandy@wv.gov>; Walker, Dana <Walker.Dana@epa.gov>
Subject: RE: Thank you for your message

Hey Matt,

I figured with the compliance schedule just expiring they wouldn't be identified as being in noncompliance, I just wondering if CSB was on anyone's radar. As you may know, CSB is looking to sue EPA for failure to act on the WER they did, and I just want to be prepared if anyone in my briefing chain asks me if there is anything going on at the State level.

Thanks again,

Denise

From: Sweeney, Matthew L [<mailto:Matthew.L.Sweeney@wv.gov>]
Sent: Wednesday, January 27, 2016 5:50 PM
To: Hakowski, Denise <Hakowski.Denise@epa.gov>
Cc: Bandy, Jeremy W <Jeremy.W.Bandy@wv.gov>
Subject: RE: Thank you for your message

Denise,

That is sort of a “chicken or the egg” question. In order for an enforcement action to be taken, there must be noncompliance. While the City of Charleston may not have specifically complied with the compliance schedule milestones contained in the permit, those milestones were a means to an end. The “end” being that they ultimately comply with the copper limits in the permit. A review of effluent data since the permit was reissued (August 2012) yields the following results (their sampling and reporting frequency for copper is once per month). Of the last 41 monthly averages reported, there were only 3 values that would have exceeded the monthly average limit in the permit. Of the last 41 max daily values reported, all values were compliant with the max daily limit in the permit. So, I am not quite sure that an enforcement action would be pursued since there is not really a pattern on noncompliance. However, Jeremy Bandy is Chief of our environmental enforcement office and would be the more appropriate person to relay anything regarding any potential enforcement action.

Thanks,
Matt Sweeney, P.E.
NPDES Individual Permitting Supervisor
WV Department of Environmental Protection
Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304
(304) 926-0495

From: Hakowski, Denise [<mailto:Hakowski.Denise@epa.gov>]
Sent: Wednesday, January 27, 2016 3:36 PM
To: Sweeney, Matthew L <Matthew.L.Sweeney@wv.gov>
Subject: Thank you for your message

Hi Matt,

I got your voice mail message. I think I’m good for now, but do you know, now that the compliance schedule has expired, if CSB is/will be the subject of enforcement? Or, I suppose the better question is, can you tell me who I might contact at WVDEP who would know what happens next?

Thanks again.

Denise